IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2904 OF 2005

Maruti Daji Patil & Ors. ....Petitioners

V/s.

Rajaram R. Patil & Ors. ....Respondents

Mr.U.P. Warunjikar for the Petitioners.

Mr.Umesh R. Mankapure for Respondent Nos.1, 2, 3(1) to 3(4), 4(1) to 4(8) and 5.

CORAM : R.M. SAVANT, J.
DATED : 12TH JUNE, 2007.

P.C. :

1. This Petition impugns the order dated 24.11.2004 passed by the Additional Commissioner, Pune Division, Pune. The said order arises out of Vahivat proceedings commenced by the Respondents herein. The Respondents herein had filed Vahivat Case No.21/1988 before the Tahsildar, Shirala. The said authority after following the procedure under Rule 31 of the Maharashtra Land Revenue Record and Registers (Preparation & Maintenance) Rules, 1971 and more specifically after carrying out the local enquiry, decided the said Vahivat proceedings in favour of the

Respondents. The Petitioners being aggrieved by the said decision of the Tahsildar, thereafter filed two successive Appeals before the Appellate Authorities concerned and finally a Revision before the Additional Commissioner under the provisions of the Maharashtra Land Revenue Code. All the three authorities have held against the Petitioners and confirmed the findings of the Tahsildar.

2. The orders have been challenged on the ground that there is a decree in favour of the Petitioners which was passed as long back in the year 1950 and confirmed by this Court. Relying on the said decree, it is the case of the Petitioners that they are in possession. All the authorities below have arrived at a finding that the lands involved in the civil proceedings are different than the land involved in the present proceedings relating to Vahivat and therefore, have held against the Petitioners. It is tried to be faintly argued that some lands are common to both the proceedings. In the teeth of the findings of the authorities below, such argument cannot be countenanced. What is to be borne in mind is that the present proceedings are Vahivat proceedings and not proceedings relating to title.

3. In that view of the matter, no interference is called for by this Court under its extra-ordinary jurisdiction under Article 227 of the Constitution of India.

4. The Petition is therefore dismissed.

(R.M. SAVANT, J.)